

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

WILLIAM ENRIGHT,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C19-5201 BHS-TLF

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 16, and Plaintiff William Enright’s (“Enright”) objections to the R&R, Dkt. 17.

On April 23, 2020, Judge Fricke issued the R&R recommending that the Court grant Defendant State of Washington’s (“the State”) motion to dismiss. Dkt. 16. On May 14, 2020, Enright filed objections. Dkt. 17. On May 28, 2020, the State responded. Dkt. 18. On June 15, 2020, Enright replied. Dkt. 19.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, Enright fails to specifically object to the merits of the R&R. Instead,  
4 he concedes that his remaining claim may be moot because the State has secured a  
5 Catholic sponsor to provide services at the Special Commitment Center. Dkt. 17 at 1.  
6 Regardless, the Court agrees with Judge Fricke that the State is not a proper defendant for  
7 Enright's civil rights claim and that Enright should be granted leave to amend his  
8 complaint. The Court also agrees that Enright's claim for past-due sanctions is frivolous  
9 and should be dismissed with prejudice. Therefore, the Court having considered the  
10 R&R, Enright's objections, and the remaining record, does hereby find and order as  
11 follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) The State's motion to dismiss is **GRANTED**;
- 14 (3) Enright shall file an amended complaint as set forth in the R&R no later  
15 than July 10, 2020; and
- 16 (4) Failure to timely file an amended complaint or otherwise respond may  
17 result in dismissal of his remaining claims without prejudice.

18 Dated this 25th day of June, 2020.

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21 BENJAMIN H. SETTLE  
22 United States District Judge